

HONORABLE ROBERT J. BRYAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN W. RATKO and **LAVERNE RATKO**,
husband and wife, and their marital community,

Petitioner,

v.

LEWIS COUNTY, a Washington Municipal
Corporation,

Respondent.

Case No. C11-5015RJB

**STIPULATION OF COUNSEL AND
STIPULATED ORDER OF DISMISSAL**

**NOTED ON MOTION CALENDAR: January
28, 2011**

WITHOUT ORAL ARGUMENT

STIPULATION

Jane Koler from the Law Office of Jane Ryan Koler, PLLC who represents the Plaintiffs in this matter, Mr. and Mrs. Ratko, and David Fine, Deputy Prosecutor, representing Lewis County a Washington Municipal Corporation enter into the following stipulation.

1. The parties agree that the Plaintiffs, Mr. and Mrs. Ratko, can take a voluntary non-suit on their Section 1983 claim which was based on a taking of their property rights which is articulated in Paragraph 4 of their Complaint.

2. The state law claims based on nuisance, trespass, and condemnation of a private way of

LAW OFFICE OF JANE RYAN KOLER, PLLC
5801 Soundview Drive, Suite 258
P.O. Box 2509 – Gig Harbor 98335
TEL 253-853-1806 • FAX 253-851-6225

necessity should be remanded to the Lewis County Superior Court.

DATED this ____ day of January, 2011.

LAW OFFICE OF JANE RYAN KOLER, PLLC

LEWIS COUNTY PROSECUTING
ATTORNEY'S OFFICE

By: _____
Jane Koler, WSBA # 13541
Attorney for Plaintiffs


By: _____
J. David Fine, WSBA #33362
Civil Deputy Prosecuting Attorney
of Attorneys for Respondent Lewis
County

ORDER

NOW THEREFORE, based on the above stipulation of counsel it is ordered as follows:

1. The Plaintiffs' Section 1983 claim is dismissed without prejudice pursuant to FRCP 41(a)(2).
2. The Plaintiffs' claims based on state law - - nuisance, trespass and condemnation of a way of necessity are remanded to the Lewis County Superior Court.

Entered this 26th day of January, 2011.



ROBERT J. BRYAN
United States District Judge

Presented by:

LAW OFFICE OF JANE RYAN KOLER, PLLC

LEWIS COUNTY PROSECUTING
ATTORNEY'S OFFICE

By: /s/ _____
Jane Koler, WSBA # 13541
Attorney for Plaintiffs

By: /s/ _____
J. David Fine, WSBA #33362
Civil Deputy Prosecuting Attorney
of Attorneys for Respondent Lewis
County